

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS LENZ, JURG MOLLENHOFF and OTOMAR STRUWE

Application No. 09/618,853

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on May 23, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

The Examiner's Answer mailed December 2, 2005 does not list the prior art of record being relied upon in the rejections. The Manual Of Patent Examining Procedure (MPEP) §1208 8th ed. (Now 1207.02(A) (8th ed., Rev. 3, August 2005) states in part:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

(9) *References of Record*. A listing of the references of record relied on and, in the case of nonpatent references, the relevant page or pages.

Since the examiner's § 102(a) rejection is based on the prior art patent to Schramm et al. (5,884,719) and a reference is made on page 6 of the answer, to a definition from the Microsoft Bookshelf Basics Dictionary, these references should be listed under a "Reference of Record" heading in the answer. Correction is required.

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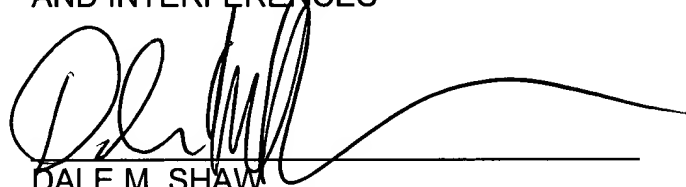
Accordingly, it is

ORDERED that the application is returned to the Examiner

- a) to issue a revised Examiner's Answer containing a section listing the prior art of record being relied upon in the rejection(s) of the appealed claims, and
- b) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read 'D. Shaw', is written over a horizontal line.

DALE M. SHAW
Deputy Chief Appeal Administrator
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DMS/vsh

cc: PROSKAUER ROSE LLP
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